REMARKS

Reconsideration of the subject patent application is respectfully requested.

At the present time, claims 1-16 are pending in this application and the Examiner has indicated that claims 8, 9, and 14 would be allowed if rewritten in independent form so as to include all of the limitations of the base claim and any intervening claims. The remaining claims have been rejected based upon one or more prior art references. The informality with regard to claim 14 has been addressed by the amendment to the claims. With regard to the three claims having allowable subject matter, new claims 17, 18, and 19 should be allowed. Claim 17 is a combination of claims 1 and 8. Claim 18 is a combination of claims 1, 7, and 9. Claim 19 is a combination of claims 1, 7, and 14. Since the Examiner had indicated that claims 8, 9, and 14 would be allowable if rewritten in the manner now presented by new claims 17-19, those three claims should be in condition for allowance.

With regard to the rejection of the remaining claims, the Examiner has rejected claims 1-7, 10-13, 15, and 16 under 35 U.S.C. §103(a) as being unpatentable over Oki et al. in view of Clusserath et al. and Lischka. Amending changes have been made to claim 1 and, based upon those changes and the remarks that follow, claim 1 and all those claims depending from claim 1 are believed to be in condition for allowance. Focusing on the amendment to claim 1 and the Lischka patent, it should be noted that in the context of the disclosed and claimed structure, adjustments for variations in size and shape of the flowerpots are a consideration. Flowerpots can vary in size and the angle or degree of conicality can vary. The application of a label requires that the dispensing tongue be

properly oriented and in close proximity to the flowerpot surface. That surface location and angle can change and the positioning device needs to be able to accommodate those changes. Claim 1 recites a second joint that addresses the need to change the angle of incline as a function of the flowerpot conicality.

The Examiner has relied on the Lischka patent for the "positioning device" portion of claim 1. The Examiner correctly acknowledges that Oki et al. fails to disclose any type of positioning device comprising a joint. The Clusserath et al. patent is not seen as providing that deficiency. The Examiner's Office Action focuses on the "second robot 116" of the Lischka patent as somehow providing Applicant's recited "positioning device". In terms of the actual Lischka disclosure, it is not clear how anyone could consider the second robot 116 to be a positioning device in the context of Applicant's disclosed and claimed structure. The issue of not having a sufficient "teaching" is also presented to the Examiner for consideration. It should be clear that Lischka is deficient in numerous respects with regard to the second robot 116 and the details that are, or more correctly are not, provided.

The second robot 116 is only illustrated in FIG. 1, no where else. In the specification, this component is mentioned only three times and then only briefly without any specifics concerning its construction and operation.

COLUMN 1, LINES 63-67.

> A second robot 116 is positioned between the factory interface 104 and the polisher 108 and is configured to transfer substrates between the first transfer station 114 of the factory interface 104 and a second transfer station 118 disposed on the polisher 108.

COLUMN 3, LINES 30-32.

The input buffer 144 accepts the substrate being transferred to the polisher 108 from the second robot 116.

COLUMN 3, LINES 38-41.

From the output buffer 146, polished substrates are transferred to the first transfer station 114 by the second robot 118 and then transferred through the cleaner 106.

In the FIG. 1 drawings, there are no other components called out as being a part of the second robot 116 and there are no directions of movement or axes identified or drawn. The quoted passages of the specification merely describe the function of the second robot as transferring substrates from one station to another. There is absolutely nothing in Lischka in any way, shape or form, to suggest a first "joint", much less a second joint. Suppose for the sake of discussion that the first station moves below the second robot 116 and that there is a magnetic or vacuum pickup. Then the first station moves away and the second station moves into position below the second robot 116. By releasing the magnetic field or the vacuum pickup, the substrate would be deposited onto the second station. As such, the second robot would have been used to "transfer" the substrate from a first transfer station to a second transfer station. However, this manner of use does not involve any joints.

Applicant respectfully suggests that the Examiner's reliance on Lischka is improper. Not only is Lischka totally unrelated art, it does not "teach" anything of interest or relevant to Applicant's claimed invention, and certainly not a positioning

device with both a first joint and second joint. Even if the Examiner persists with reliance on Lischka, perhaps contending that the second robot uses rotary motion between the first and second transfer stations, Lischka still fails to provide a second joint. There is absolutely nothing in Lischka relative to the illustrated and disclosed second robot to suggest that the arm moves, extends, articulates, etc. Thus, even if one concedes, although there is nothing factual to base it on, that the second robot rotates between the two transfer stations, that is at most a single joint.

A further aspect of claim 1, as amended, is that the adjustment provided by the second joint is to be inclined or tilted as a function of the conicality of the flowerpot. It is very hard to draw any degree of similarity or correlation between a labeling device for a flowerpot and a chemical mechanical polishing system for a substrate. This is part of Applicant's reasoning to suggest that the Lischka patent, as cited by the Examiner, is unrelated, non-relevant art. There is simply nothing in Lischka that contributes anything to Applicant's amended claim 1. We do not have any type of similar structure nor any type of similar use.

A still further complication to what the Examiner wants to do in combining Oki et al., Clusserath et al., and Lischka is to try and explain how anyone of ordinary skill in the art would ever attempt to put these three references together, much less actually accomplish a functioning integration due to the significant differences and non-compatible aspects of these three structures. Understandably, the Examiner has not explained how all of this would be accomplished and nothing is disclosed in any of the cited references to even suggest that it could or should be done. Oki et al. is silent as to any desire to label the flowerpots. If that would be desired, then one has to make a

significant design change or design modification as to what Oki et al. discloses. Since Clusserath et al. uses a rotary system for labeling, that particular system would need to be integrated into the Oki et al. device. The labeling mechanisms 26 and 27 of Clusserath et al. appear to be stationary, direct contact mechanisms. In contrast, Oki et al. is intended to be moved through the nursery aisles and thus the labeling mechanism and rotary table construction of Clusserath et al. would have to be moved through those nursery aisles as well. It is doubtful that a nursery wants to widen its aisles to accept this type of additional labeling hardware.

Next we come to Lischka and its second robot 116. The Examiner recognizes that neither Oki et al. nor Clusserath et al. disclose a positioning device as claimed. In order for a person of ordinary skill in the art to combine these three references, it would be necessary to completely change the structure of labeling stations 26 and 27 of Clusserath et al. in order to try and introduce the second robot 116 of Lischka. Although Clusserath et al. is unclear at best in terms of its details, it is conceivable that stations 26 and 27 are direct contact rollers that receive the label from a cartridge and carry it 180 degrees to where it is rolled onto the bottle, much like the operation of engagement pinch rollers. The question for the Examiner to address is how could anyone possibly envision how to redesign this structure and replace it with the second robot 116 of Lischka. Further, making this type of modification would totally transform, if not totally destroy, the essence of the Clusserath et al. structure and most likely result in a similar fate to the Oki et al. structure as well.

In view of the foregoing explanations and remarks, and considering the amending changes to claims 1 and 14 and the substance of new claims 17-19, claims 1-19 are in condition for allowance and such action by the Examiner is respectfully requested. The additional filing fee of $105 is being paid by credit card authorization.

Respectfully submitted,

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